

**AMENDMENT to the CLAIMS**

1. (CANCELLED)
2. (CURRENTLY AMENDED) An apparatus, comprising:
  - a storage device; and
  - a processor in communication with the storage device,
  - the storage device storing a program for controlling the processor, and
  - the processor operative with the program to perform a method comprising:
    - populating a primary set of card positions with a first set of initial cards;
    - identifying at least one discarded card from the first set of initial cards;
    - replacing the at least one discarded card from the first set of initial cards with replacement cards to form a final set of cards;
    - determining a payout based on ~~at least~~ the final set of cards;
    - populating the primary set of card positions with a second set of initial cards;
    - identifying at least one discarded card from the second set of initial cards; and
    - populating at least one secondary set of card positions with at least the at least one discarded card from the first set of initial cards and the at least one discarded card from the second set of initial cards.

3. (CURRENTLY AMENDED) A medium encoded with a program operative to direct a device to perform a method comprising:
  - populating a primary set of card positions with a first set of initial cards;
  - identifying at least one discarded card from the first set of initial cards;
  - replacing the at least one discarded card from the first set of initial cards with replacement cards to form a final set of cards;
  - determining a payout based on ~~at least~~ the final set of cards;
  - populating the primary set of card positions with a second set of initial cards;
  - identifying at least one discarded card from the second set of initial cards; and
  - populating at least one secondary set of card positions with at least the at least one discarded card from the first set of initial cards and the at least one discarded card from the second set of initial cards.

4. (CURRENTLY AMENDED) A method comprising:
  - selecting a card position of a primary set of card positions;
  - populating the primary set of card positions with a first set of initial cards,
    - thereby associating each initial card with a respective card position of the primary set of card positions;
    - determining a discarded card from the first set of initial cards;
      - if the discarded card is associated with the selected card position,
      - populating a secondary set of card positions with the discarded card;
      - replacing the discarded card from the first set of initial cards with a replacement card to form a final set of cards; and
    - determining a payout based on at least the final set of cards.

5. (ORIGINAL) The method of claim 4, in which selecting comprises:

selecting the card position at random from the primary set of card positions.

6. (ORIGINAL) The method of claim 4, further comprising:
  - populating the primary set of card positions with a second set of initial cards; and
  - identifying at least one discarded card from the second set of initial cards.

7. (CURRENTLY AMENDED) The method of claim 6, further comprising:

populating the at least one secondary set of card positions with at least the at least one discarded card from the second set of initial cards.

8. (ORIGINAL) The method of claim 4, further comprising:  
determining a second payout based on at least the discarded card.

9. (ORIGINAL) The method of claim 4, further comprising:  
highlighting the selected card position.

10. (CURRENTLY AMENDED) A method comprising:  
populating a primary set of card positions with a first set of initial cards;

determining at least one discarded card from the first set of initial cards;

determining whether to include the at least one discarded card in at least one secondary set of card positions;

if the at least one discarded card is to be included in the at least one secondary set of card positions,

populating the at least one secondary set of card positions with the at least one discarded card;

replacing each of the at least one discarded card from the first set of initial cards with a respective replacement card to form a final set of cards;  
and

determining a payout based on at least the final set of cards.

11. (ORIGINAL) The method of claim 10, in which determining whether to include the at least one discarded card in the at least one secondary set of card positions comprises:

determining at random whether to include the at least one discarded card in the at least one secondary set of card positions.

12. (ORIGINAL) The method of claim 10,  
in which each at least one discarded card is associated with a respective card position of the primary set of card positions, and

in which determining whether to include the at least one discarded card in the at least one secondary set of card positions comprises:

determining whether to include the at least one discarded card in the at least one secondary set of card positions based on the at least one respective card position associated with each at least one discarded card.

13. (ORIGINAL) The method of claim 10, further comprising:  
associating the at least one discarded card with a queue of discarded cards,

each discarded card of the queue of discarded cards having a respective order in the queue; and

in which determining whether to include the at least one discarded card in the at least one secondary set of card positions comprises:

determining whether to include each at least one discarded card based on its respective order in the queue.

14. (ORIGINAL) The method of claim 10, further comprising:  
associating the at least one discarded card with a set of discarded cards; and

in which determining whether to include the at least one discarded card in the at least one secondary set of card positions comprises:

selecting at least one of the discarded cards from the set of discarded cards at random.

15. (ORIGINAL) The method of claim 14, further comprising:  
displaying the set of discarded cards at a holding location that is not of the primary set of card positions and is not of the at least one secondary set of card positions.

16. (ORIGINAL) The method of claim 10, in which populating the at least one secondary set of card positions comprises:

populating the at least one secondary set of card positions with the at least one discarded card after a predetermined period of time.

17. (ORIGINAL) The method of claim 10, in which populating the at least one secondary set of card positions comprises:

populating the at least one secondary set of card positions with the at least one discarded card after a period of time determined at random.

18. (ORIGINAL) The method of claim 10, further comprising:  
populating the primary set of card positions with a second set of initial cards; and

in which populating the at least one secondary set of card positions comprises:

after populating the primary set of card positions with the second set of initial cards,

populating the at least one secondary set of card positions with the at least one discarded card.

19. (ORIGINAL) The method of claim 10, in which populating the at least one secondary set of card positions comprises:

determining a highest expected value based on the at least one secondary set of card positions and the at least one discarded card; and

populating the at least one secondary set of card positions based on the highest expected value.

20. (ORIGINAL) The method of claim 10, in which populating the at least one secondary set of card positions comprises:

populating the at least one secondary set of card positions based on at least one predetermined rule.

21. (ORIGINAL) The method of claim 10, in which populating the at least one secondary set of card positions comprises:

populating the at least one secondary set of card positions based on at least one player preference.

22. (ORIGINAL) The method of claim 10, in which populating the at least one secondary set of card positions comprises:

populating the at least one secondary set of card positions based on the at least one discarded card and at least one predetermined card position of the at least one secondary set of card positions.

23. (CURRENTLY AMENDED) A method comprising:

populating a primary set of card positions with a first set of initial cards;

determining at least one held card of the first set of initial cards;

determining whether to include the at least one held card in at least one secondary set of card positions;

if the at least one held card is to be included in the at least one secondary set of card positions,

populating the at least one secondary set of card positions with the at least one held card;

determining a final set of cards for the primary set of card positions, the final set of cards including the at least one held card; and

determining a payout based on ~~at least~~ the final set of cards.

24. (ORIGINAL) The method of claim 23, further comprising:

determining at least one discarded card from the first set of initial cards;

determining whether to include the at least one discarded card in the at least one secondary set of card positions; and

if the at least one discarded card is to be included in the at least one secondary set of card positions,

populating the at least one secondary set of card positions with the at least one discarded card,

in which determining the final set of cards for the primary set of card positions comprises:

replacing each of the at least one discarded card from the first set of initial cards with a respective replacement card.